

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CARLOS CLAUDIO,	:	CIVIL ACTION NO. 1:20-CV-434
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
STEWART ACKERMAN, PA,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 12th day of February, 2021, upon consideration of defendant's motion (Doc. 5) to dismiss, and the parties' respective briefs in support of and opposition to said motion, and for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that:

1. The motion (Doc. 5) to dismiss is GRANTED in part and DENIED in part as follows:
 - a. The motion is GRANTED with respect to the federal Eighth Amendment claim.
 - b. The motion is DENIED in all other respects.
2. This action is REMANDED to the Court of Common Pleas of Centre County, Pennsylvania, for further proceedings.
3. The Clerk of Court is directed to CLOSE this case.
4. Any appeal from this order is DEEMED frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania